

REMARKS/ARGUMENTS

This Amendment is in response to the outstanding Official Action mailed January 27, 2004, the shortened statutory period for filing a response having expired on April 27, 2004. Applicants submit herewith a one-month extension petition to reset the period for response to and including May 27, 2004. In view of the above amendments and below remarks, reconsideration of the Examiner's rejection is respectfully requested.

The Examiner has rejected claims 1, 2, 4, 6, 8-13, 15, 17, 19-21, 36, 37, 39, 41, 43-47, 49 and 52 under 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.*, United States Patent No. 6,022,212 in view of *Kim*, United States Patent No. 5,462,432; and claims 3, 7, 14, 18, 38, 40, 42 and 51 under 35 U.S.C. § 103(a) as being unpatentable over *Saito et al.* in view of *Kim*, and in further view of *Yamasaki*, United States Patent No. 5,531,591. Of the rejected claims, claims 1, 12, 22, 36, 46 and 63 have been presented in independent form. Applicants' remaining independent claims 57, 60 and 66 have been allowed by the Examiner.

Applicants have amended independent claims 1, 12, 22 and 63 whereby the slider is movable along the trigger body between a first and second position along a path at an angle less than 90 degrees to the path of travel of the trigger body. In claims 1 and 12, the path of travel of the slider is towards the ignitor nozzle, and away from the fuel reservoir in claims 22 and 63. Claims 36 and 46 have been amended whereby the ignitor nozzle extends from a first end of the housing, and the slider moves along the trigger body between a first and second position towards the first end of the housing (claim 36) or towards the ignitor nozzle (claim 46). These limitations distinguish the present invention over the prior art cited by

the Examiner.

The Examiner has stated in paragraph 12 of the Official Action that the prior art does not teach or suggest an ignitor wherein the trigger moves along a first path towards a first end of the housing and the slider moves along the trigger body along a second path towards the second end of the housing, e.g., towards the ignitor nozzle or away from the fuel reservoir. Thus, there is no disclosure in the prior art of the slider moving along a path at an angle less than 90 degrees to the path of travel of the trigger body. As noted by the Examiner, this angular movement of the slider contributes towards preventing a young child from operating the lighter. Accordingly, all claims pending in this application possess the requisite novelty and unobviousness over the prior art, and notice of that effect is respectfully requested.

The Examiner in paragraph 4 of the Official Action has objected to Applicants' use of the term "oblique" as not being disclosed in Applicants' specification. The term "oblique" means an angle that is not ninety degrees. As noted by the Examiner, Applicants' specification specifically teaches movement of the slider along a path which is not ninety degrees to the path of travel of the trigger body, i.e., at an oblique angle. It is therefore Applicants' position that the use of the term "oblique" in the claims is fully supported by Applicants' specification.

However, to expedite the granting of a patent on this application, Applicants have deleted the term "oblique" for the limitation of an angle less than ninety degrees. This limitation is expressly supported in Applicants' specification in paragraph [0048] as noted by the Examiner. Accordingly, the Examiner's rejection of Applications' claims under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement is considered traverse and

should therefore be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 24, 2004

Respectfully submitted,

By 

Stephen B. Goldman
Registration No.: 28,512
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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